



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3659

Introduced 2/28/2007, by Rep. Karen May

SYNOPSIS AS INTRODUCED:

| | |
|------------------|-----------------------|
| 730 ILCS 150/2 | from Ch. 38, par. 222 |
| 730 ILCS 150/3 | from Ch. 38, par. 223 |
| 730 ILCS 152/121 | |

Amends the Sex Offender Registration Act and the Sex Offender Community Notification Law. Provides that upon release of a person from a juvenile detention facility, a facility of the Department of Juvenile Justice, or a hospital or other treatment facility, the court shall make a determination as to whether a person who is defined as a sex offender as a result of being adjudicated a juvenile delinquent as the result of committing or attempting to commit an act which, if committed by an adult, would constitute a sex offense shall register as a sex offender. Provides that if the court makes such a determination, the person shall register as a sex offender either upon attaining 17 years of age or upon release from a juvenile detention facility, a facility of the Department of Juvenile Justice, or a hospital or other treatment facility, whichever occurs later.

LRB095 09078 RLC 29270 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning sex offenders.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Sex Offender Registration Act is amended by
5 changing Sections 2 and 3 as follows:

6 (730 ILCS 150/2) (from Ch. 38, par. 222)

7 Sec. 2. Definitions.

8 (A) As used in this Article, "sex offender" means any
9 person who is:

10 (1) charged pursuant to Illinois law, or any
11 substantially similar federal, Uniform Code of Military
12 Justice, sister state, or foreign country law, with a sex
13 offense set forth in subsection (B) of this Section or the
14 attempt to commit an included sex offense, and:

15 (a) is convicted of such offense or an attempt to
16 commit such offense; or

17 (b) is found not guilty by reason of insanity of
18 such offense or an attempt to commit such offense; or

19 (c) is found not guilty by reason of insanity
20 pursuant to Section 104-25(c) of the Code of Criminal
21 Procedure of 1963 of such offense or an attempt to
22 commit such offense; or

23 (d) is the subject of a finding not resulting in an

1 acquittal at a hearing conducted pursuant to Section
2 104-25(a) of the Code of Criminal Procedure of 1963 for
3 the alleged commission or attempted commission of such
4 offense; or

5 (e) is found not guilty by reason of insanity
6 following a hearing conducted pursuant to a federal,
7 Uniform Code of Military Justice, sister state, or
8 foreign country law substantially similar to Section
9 104-25(c) of the Code of Criminal Procedure of 1963 of
10 such offense or of the attempted commission of such
11 offense; or

12 (f) is the subject of a finding not resulting in an
13 acquittal at a hearing conducted pursuant to a federal,
14 Uniform Code of Military Justice, sister state, or
15 foreign country law substantially similar to Section
16 104-25(a) of the Code of Criminal Procedure of 1963 for
17 the alleged violation or attempted commission of such
18 offense; or

19 (2) certified as a sexually dangerous person pursuant
20 to the Illinois Sexually Dangerous Persons Act, or any
21 substantially similar federal, Uniform Code of Military
22 Justice, sister state, or foreign country law; or

23 (3) subject to the provisions of Section 2 of the
24 Interstate Agreements on Sexually Dangerous Persons Act;
25 or

26 (4) found to be a sexually violent person pursuant to

1 the Sexually Violent Persons Commitment Act or any
2 substantially similar federal, Uniform Code of Military
3 Justice, sister state, or foreign country law; or

4 (5) adjudicated a juvenile delinquent as the result of
5 committing or attempting to commit an act which, if
6 committed by an adult, would constitute any of the offenses
7 specified in item (B), (C), or (C-5) of this Section or a
8 violation of any substantially similar federal, Uniform
9 Code of Military Justice, sister state, or foreign country
10 law, or found guilty under Article V of the Juvenile Court
11 Act of 1987 of committing or attempting to commit an act
12 which, if committed by an adult, would constitute any of
13 the offenses specified in item (B), (C), or (C-5) of this
14 Section or a violation of any substantially similar
15 federal, Uniform Code of Military Justice, sister state, or
16 foreign country law.

17 Convictions that result from or are connected with the same
18 act, or result from offenses committed at the same time, shall
19 be counted for the purpose of this Article as one conviction.
20 Any conviction set aside pursuant to law is not a conviction
21 for purposes of this Article.

22 For purposes of this Section, "convicted" shall have the
23 same meaning as "adjudicated". For the purposes of this
24 Article, upon release from a juvenile detention facility, a
25 facility of the Department of Juvenile Justice, or a hospital
26 or other treatment facility, the court shall make a

1 determination as to whether a person who is defined as a sex
2 offender as a result of being adjudicated a juvenile delinquent
3 under paragraph (5) of this subsection (A) shall register as a
4 sex offender. If the court makes such a determination, the
5 person shall register as a sex offender either upon attaining
6 17 years of age or upon release from a juvenile detention
7 facility, a facility of the Department of Juvenile Justice, or
8 a hospital or other treatment facility, whichever occurs later.
9 If the court makes such a determination, the person shall be
10 considered as having committed the sex offense on or after the
11 sex offender's 17th birthday. Registration of juveniles upon
12 attaining 17 years of age, if required by the court, shall not
13 extend the original registration of 10 years from the date of
14 conviction.

15 (B) As used in this Article, "sex offense" means:

16 (1) A violation of any of the following Sections of the
17 Criminal Code of 1961:

18 11-20.1 (child pornography),

19 11-6 (indecent solicitation of a child),

20 11-9.1 (sexual exploitation of a child),

21 11-9.2 (custodial sexual misconduct),

22 11-9.5 (sexual misconduct with a person with a
23 disability),

24 11-15.1 (soliciting for a juvenile prostitute),

25 11-18.1 (patronizing a juvenile prostitute),

26 11-17.1 (keeping a place of juvenile

1 prostitution),
2 11-19.1 (juvenile pimping),
3 11-19.2 (exploitation of a child),
4 12-13 (criminal sexual assault),
5 12-14 (aggravated criminal sexual assault),
6 12-14.1 (predatory criminal sexual assault of a
7 child),
8 12-15 (criminal sexual abuse),
9 12-16 (aggravated criminal sexual abuse),
10 12-33 (ritualized abuse of a child).

11 An attempt to commit any of these offenses.

12 (1.5) A violation of any of the following Sections of
13 the Criminal Code of 1961, when the victim is a person
14 under 18 years of age, the defendant is not a parent of the
15 victim, the offense was sexually motivated as defined in
16 Section 10 of the Sex Offender Management Board Act, and
17 the offense was committed on or after January 1, 1996:

18 10-1 (kidnapping),
19 10-2 (aggravated kidnapping),
20 10-3 (unlawful restraint),
21 10-3.1 (aggravated unlawful restraint).

22 (1.6) First degree murder under Section 9-1 of the
23 Criminal Code of 1961, when the victim was a person under
24 18 years of age and the defendant was at least 17 years of
25 age at the time of the commission of the offense, provided
26 the offense was sexually motivated as defined in Section 10

1 of the Sex Offender Management Board Act.

2 (1.7) (Blank).

3 (1.8) A violation or attempted violation of Section
4 11-11 (sexual relations within families) of the Criminal
5 Code of 1961, and the offense was committed on or after
6 June 1, 1997.

7 (1.9) Child abduction under paragraph (10) of
8 subsection (b) of Section 10-5 of the Criminal Code of 1961
9 committed by luring or attempting to lure a child under the
10 age of 16 into a motor vehicle, building, house trailer, or
11 dwelling place without the consent of the parent or lawful
12 custodian of the child for other than a lawful purpose and
13 the offense was committed on or after January 1, 1998,
14 provided the offense was sexually motivated as defined in
15 Section 10 of the Sex Offender Management Board Act.

16 (1.10) A violation or attempted violation of any of the
17 following Sections of the Criminal Code of 1961 when the
18 offense was committed on or after July 1, 1999:

19 10-4 (forcible detention, if the victim is under 18
20 years of age), provided the offense was sexually
21 motivated as defined in Section 10 of the Sex Offender
22 Management Board Act,

23 11-6.5 (indecent solicitation of an adult),

24 11-15 (soliciting for a prostitute, if the victim
25 is under 18 years of age),

26 11-16 (pandering, if the victim is under 18 years

1 of age),

2 11-18 (patronizing a prostitute, if the victim is
3 under 18 years of age),

4 11-19 (pimping, if the victim is under 18 years of
5 age).

6 (1.11) A violation or attempted violation of any of the
7 following Sections of the Criminal Code of 1961 when the
8 offense was committed on or after August 22, 2002:

9 11-9 (public indecency for a third or subsequent
10 conviction).

11 (1.12) A violation or attempted violation of Section
12 5.1 of the Wrongs to Children Act (permitting sexual abuse)
13 when the offense was committed on or after August 22, 2002.

14 (2) A violation of any former law of this State
15 substantially equivalent to any offense listed in
16 subsection (B) of this Section.

17 (C) A conviction for an offense of federal law, Uniform
18 Code of Military Justice, or the law of another state or a
19 foreign country that is substantially equivalent to any offense
20 listed in subsections (B), (C), and (E) of this Section shall
21 constitute a conviction for the purpose of this Article. A
22 finding or adjudication as a sexually dangerous person or a
23 sexually violent person under any federal law, Uniform Code of
24 Military Justice, or the law of another state or foreign
25 country that is substantially equivalent to the Sexually
26 Dangerous Persons Act or the Sexually Violent Persons

1 Commitment Act shall constitute an adjudication for the
2 purposes of this Article.

3 (C-5) A person at least 17 years of age at the time of the
4 commission of the offense who is convicted of first degree
5 murder under Section 9-1 of the Criminal Code of 1961, against
6 a person under 18 years of age, shall be required to register
7 for natural life. A conviction for an offense of federal,
8 Uniform Code of Military Justice, sister state, or foreign
9 country law that is substantially equivalent to any offense
10 listed in subsection (C-5) of this Section shall constitute a
11 conviction for the purpose of this Article. This subsection
12 (C-5) applies to a person who committed the offense before June
13 1, 1996 only if the person is incarcerated in an Illinois
14 Department of Corrections facility on August 20, 2004 (the
15 effective date of Public Act 93-977).

16 (D) As used in this Article, "law enforcement agency having
17 jurisdiction" means the Chief of Police in each of the
18 municipalities in which the sex offender expects to reside,
19 work, or attend school (1) upon his or her discharge, parole or
20 release or (2) during the service of his or her sentence of
21 probation or conditional discharge, or the Sheriff of the
22 county, in the event no Police Chief exists or if the offender
23 intends to reside, work, or attend school in an unincorporated
24 area. "Law enforcement agency having jurisdiction" includes
25 the location where out-of-state students attend school and
26 where out-of-state employees are employed or are otherwise

1 required to register.

2 (D-1) As used in this Article, "supervising officer" means
3 the assigned Illinois Department of Corrections parole agent or
4 county probation officer.

5 (E) As used in this Article, "sexual predator" means any
6 person who, after July 1, 1999, is:

7 (1) Convicted for an offense of federal, Uniform Code
8 of Military Justice, sister state, or foreign country law
9 that is substantially equivalent to any offense listed in
10 subsection (E) of this Section shall constitute a
11 conviction for the purpose of this Article. Convicted of a
12 violation or attempted violation of any of the following
13 Sections of the Criminal Code of 1961, if the conviction
14 occurred after July 1, 1999:

15 11-17.1 (keeping a place of juvenile
16 prostitution),

17 11-19.1 (juvenile pimping),

18 11-19.2 (exploitation of a child),

19 11-20.1 (child pornography),

20 12-13 (criminal sexual assault),

21 12-14 (aggravated criminal sexual assault),

22 12-14.1 (predatory criminal sexual assault of a
23 child),

24 12-16 (aggravated criminal sexual abuse),

25 12-33 (ritualized abuse of a child); or

26 (2) (blank); or

1 (3) certified as a sexually dangerous person pursuant
2 to the Sexually Dangerous Persons Act or any substantially
3 similar federal, Uniform Code of Military Justice, sister
4 state, or foreign country law; or

5 (4) found to be a sexually violent person pursuant to
6 the Sexually Violent Persons Commitment Act or any
7 substantially similar federal, Uniform Code of Military
8 Justice, sister state, or foreign country law; or

9 (5) convicted of a second or subsequent offense which
10 requires registration pursuant to this Act. The conviction
11 for the second or subsequent offense must have occurred
12 after July 1, 1999. For purposes of this paragraph (5),
13 "convicted" shall include a conviction under any
14 substantially similar Illinois, federal, Uniform Code of
15 Military Justice, sister state, or foreign country law.

16 (F) As used in this Article, "out-of-state student" means
17 any sex offender, as defined in this Section, or sexual
18 predator who is enrolled in Illinois, on a full-time or
19 part-time basis, in any public or private educational
20 institution, including, but not limited to, any secondary
21 school, trade or professional institution, or institution of
22 higher learning.

23 (G) As used in this Article, "out-of-state employee" means
24 any sex offender, as defined in this Section, or sexual
25 predator who works in Illinois, regardless of whether the
26 individual receives payment for services performed, for a

1 period of time of 10 or more days or for an aggregate period of
2 time of 30 or more days during any calendar year. Persons who
3 operate motor vehicles in the State accrue one day of
4 employment time for any portion of a day spent in Illinois.

5 (H) As used in this Article, "school" means any public or
6 private educational institution, including, but not limited
7 to, any elementary or secondary school, trade or professional
8 institution, or institution of higher education.

9 (I) As used in this Article, "fixed residence" means any
10 and all places that a sex offender resides for an aggregate
11 period of time of 5 or more days in a calendar year.

12 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
13 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06;
14 94-1053, eff. 7-24-06; revised 8-3-06.)

15 (730 ILCS 150/3) (from Ch. 38, par. 223)

16 Sec. 3. Duty to register.

17 (a) A sex offender, as defined in Section 2 of this Act, or
18 sexual predator shall, within the time period prescribed in
19 subsections (b) and (c), register in person and provide
20 accurate information as required by the Department of State
21 Police. Such information shall include a current photograph,
22 current address, current place of employment, the employer's
23 telephone number, school attended, extensions of the time
24 period for registering as provided in this Article and, if an
25 extension was granted, the reason why the extension was granted

1 and the date the sex offender was notified of the extension.
2 The information shall also include the county of conviction,
3 license plate numbers for every vehicle registered in the name
4 of the sex offender, the age of the sex offender at the time of
5 the commission of the offense, the age of the victim at the
6 time of the commission of the offense, and any distinguishing
7 marks located on the body of the sex offender. If the court
8 makes a determination that a ~~A~~ person who has been adjudicated
9 a juvenile delinquent for an act which, if committed by an
10 adult, would be a sex offense shall register as an adult sex
11 offender, such person shall register within 10 days after
12 either attaining 17 years of age or within 10 days after
13 release from a juvenile detention facility, a facility of the
14 Department of Juvenile Justice, or a hospital or other
15 treatment facility, whichever occurs later. The sex offender or
16 sexual predator shall register:

17 (1) with the chief of police in the municipality in
18 which he or she resides or is temporarily domiciled for a
19 period of time of 5 or more days, unless the municipality
20 is the City of Chicago, in which case he or she shall
21 register at the Chicago Police Department Headquarters; or

22 (2) with the sheriff in the county in which he or she
23 resides or is temporarily domiciled for a period of time of
24 5 or more days in an unincorporated area or, if
25 incorporated, no police chief exists.

26 If the sex offender or sexual predator is employed at or

1 attends an institution of higher education, he or she shall
2 register:

3 (i) with the chief of police in the municipality in
4 which he or she is employed at or attends an institution of
5 higher education, unless the municipality is the City of
6 Chicago, in which case he or she shall register at the
7 Chicago Police Department Headquarters; or

8 (ii) with the sheriff in the county in which he or she
9 is employed or attends an institution of higher education
10 located in an unincorporated area, or if incorporated, no
11 police chief exists.

12 For purposes of this Article, the place of residence or
13 temporary domicile is defined as any and all places where the
14 sex offender resides for an aggregate period of time of 5 or
15 more days during any calendar year. Any person required to
16 register under this Article who lacks a fixed address or
17 temporary domicile must notify, in person, the agency of
18 jurisdiction of his or her last known address within 5 days
19 after ceasing to have a fixed residence.

20 Any person who lacks a fixed residence must report weekly,
21 in person, with the sheriff's office of the county in which he
22 or she is located in an unincorporated area, or with the chief
23 of police in the municipality in which he or she is located.
24 The agency of jurisdiction will document each weekly
25 registration to include all the locations where the person has
26 stayed during the past 7 days.

1 The sex offender or sexual predator shall provide accurate
2 information as required by the Department of State Police. That
3 information shall include the sex offender's or sexual
4 predator's current place of employment.

5 (a-5) An out-of-state student or out-of-state employee
6 shall, within 5 days after beginning school or employment in
7 this State, register in person and provide accurate information
8 as required by the Department of State Police. Such information
9 will include current place of employment, school attended, and
10 address in state of residence. The out-of-state student or
11 out-of-state employee shall register:

12 (1) with the chief of police in the municipality in
13 which he or she attends school or is employed for a period
14 of time of 5 or more days or for an aggregate period of
15 time of more than 30 days during any calendar year, unless
16 the municipality is the City of Chicago, in which case he
17 or she shall register at the Chicago Police Department
18 Headquarters; or

19 (2) with the sheriff in the county in which he or she
20 attends school or is employed for a period of time of 5 or
21 more days or for an aggregate period of time of more than
22 30 days during any calendar year in an unincorporated area
23 or, if incorporated, no police chief exists.

24 The out-of-state student or out-of-state employee shall
25 provide accurate information as required by the Department of
26 State Police. That information shall include the out-of-state

1 student's current place of school attendance or the
2 out-of-state employee's current place of employment.

3 (b) Any sex offender, as defined in Section 2 of this Act,
4 or sexual predator, regardless of any initial, prior, or other
5 registration, shall, within 5 days of beginning school, or
6 establishing a residence, place of employment, or temporary
7 domicile in any county, register in person as set forth in
8 subsection (a) or (a-5).

9 (c) The registration for any person required to register
10 under this Article shall be as follows:

11 (1) Any person registered under the Habitual Child Sex
12 Offender Registration Act or the Child Sex Offender
13 Registration Act prior to January 1, 1996, shall be deemed
14 initially registered as of January 1, 1996; however, this
15 shall not be construed to extend the duration of
16 registration set forth in Section 7.

17 (2) Except as provided in subsection (c)(4), any person
18 convicted or adjudicated prior to January 1, 1996, whose
19 liability for registration under Section 7 has not expired,
20 shall register in person prior to January 31, 1996.

21 (2.5) Except as provided in subsection (c)(4), any
22 person who has not been notified of his or her
23 responsibility to register shall be notified by a criminal
24 justice entity of his or her responsibility to register.
25 Upon notification the person must then register within 5
26 days of notification of his or her requirement to register.

1 If notification is not made within the offender's 10 year
2 registration requirement, and the Department of State
3 Police determines no evidence exists or indicates the
4 offender attempted to avoid registration, the offender
5 will no longer be required to register under this Act.

6 (3) Except as provided in subsection (c)(4), any person
7 convicted on or after January 1, 1996, shall register in
8 person within 5 days after the entry of the sentencing
9 order based upon his or her conviction.

10 (4) Any person unable to comply with the registration
11 requirements of this Article because he or she is confined,
12 institutionalized, or imprisoned in Illinois on or after
13 January 1, 1996, shall register in person within 5 days of
14 discharge, parole or release.

15 (5) The person shall provide positive identification
16 and documentation that substantiates proof of residence at
17 the registering address.

18 (6) The person shall pay a \$20 initial registration fee
19 and a \$10 annual renewal fee. The fees shall be used by the
20 registering agency for official purposes. The agency shall
21 establish procedures to document receipt and use of the
22 funds. The law enforcement agency having jurisdiction may
23 waive the registration fee if it determines that the person
24 is indigent and unable to pay the registration fee. Ten
25 dollars for the initial registration fee and \$5 of the
26 annual renewal fee shall be used by the registering agency

1 for official purposes. Ten dollars of the initial
2 registration fee and \$5 of the annual fee shall be
3 deposited into the Sex Offender Management Board Fund under
4 Section 19 of the Sex Offender Management Board Act. Money
5 deposited into the Sex Offender Management Board Fund shall
6 be administered by the Sex Offender Management Board and
7 shall be used to fund practices endorsed or required by the
8 Sex Offender Management Board Act including but not limited
9 to sex offenders evaluation, treatment, or monitoring
10 programs that are or may be developed, as well as for
11 administrative costs, including staff, incurred by the
12 Board.

13 (d) Within 5 days after obtaining or changing employment
14 and, if employed on January 1, 2000, within 5 days after that
15 date, a person required to register under this Section must
16 report, in person to the law enforcement agency having
17 jurisdiction, the business name and address where he or she is
18 employed. If the person has multiple businesses or work
19 locations, every business and work location must be reported to
20 the law enforcement agency having jurisdiction.

21 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;
22 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

23 Section 10. The Sex Offender Community Notification Law is
24 amended by changing Section 121 as follows:

1 (730 ILCS 152/121)

2 Sec. 121. Notification regarding juvenile offenders.

3 (a) The Department of State Police and any law enforcement
4 agency having jurisdiction may, in the Department's or agency's
5 discretion, only provide the information specified in
6 subsection (b) of Section 120 of this Act, with respect to an
7 adjudicated juvenile delinquent if such adjudicated juvenile
8 delinquent is required to register as a sex offender under the
9 Sex Offender Registration Act, to any person when that person's
10 safety may be compromised for some reason related to the
11 juvenile sex offender.

12 (b) If the adjudicated juvenile delinquent is required to
13 register as a sex offender under the Sex Offender Registration
14 Act, the ~~The~~ local law enforcement agency having jurisdiction
15 to register the juvenile sex offender shall ascertain from the
16 juvenile sex offender whether the juvenile sex offender is
17 enrolled in school; and if so, shall provide a copy of the sex
18 offender registration form only to the principal or chief
19 administrative officer of the school and any guidance counselor
20 designated by him or her. The registration form shall be kept
21 separately from any and all school records maintained on behalf
22 of the juvenile sex offender.

23 (Source: P.A. 94-168, eff. 1-1-06.)